

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-612-RJC-DSC**

J&J SPORTS PRODUCTIONS, INC.

Plaintiff,

vs.

**EVID ROMERO DEL CARMEN d/b/a
DON CARLOS SPORTS BAR AND NIGHT
CLUB, and DON CARLOS SPORTS BAR
AND PRIVATE NIGHT CLUB, CORP.,
d/b/a DON CARLOS SPORTS BAR**

Defendants.

ORDER

THIS MATTER comes before the Court sua sponte. Plaintiff filed its Complaint, (Doc. No. 1), on September 17, 2012. The docket reflects that a Summons was issued electronically by the Clerk of Court on September 18, 2012, for service of the complaint on Defendant. (Doc. No. 3). However, the docket contains neither: (1) a return of summons or proof of service of the Complaint on Defendant, nor (2) an executed waiver of service by Defendant. Federal Rule of Civil Procedure 4(m) provides as follows:

If a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Plaintiff had until March 18, 2013 to serve its Complaint on Defendant. The time has now expired. Plaintiff is hereby warned that if it does not serve her Complaint on Defendant within 14 days, the case will be DISMISSED without prejudice.

IT IS, THEREFORE, ORDERED that Plaintiff shall serve its Complaint on Defendant and provide this Court with proof of service within 14 days. **FAILURE TO PROVIDE THE COURT WITH PROOF OF SERVICE WITHIN 14 DAYS WILL RESULT IN DISMISSAL OF ALL CLAIMS AGAINST DEFENDANT.**

Signed: July 8, 2013

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

